

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 SAMMY CARRANZA, *et al.*,

4 Plaintiffs,

5 vs.

6 U.S. BANK NATIONAL ASSOCIATION, *et*)
7 *al.*,

8 Defendants.

Case No.: 2:15-cv-01471-GMN-CWH

ORDER

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10 Pending before the Court is the Motion to Expunge the Lis Pendens, (ECF No. 37), filed
11 by Defendant U.S. Bank National Association (“Defendant”). Upon a motion, the Court must
12 dissolve a *lis pendens* if the recording party fails to demonstrate: (1) a likelihood of prevailing
13 in the action; or (2) a fair chance of success and serious hardship that could result from a
14 transfer of the property. Nev. Rev. Stat. 14.015(3); *see also Levinson v. Eighth Judicial Dist.*
15 *Court*, 857 P.2d 18, 20-21 (Nev. 1993).

16 Here, Plaintiffs Sammy Carranza and Tera Carranza (collectively “Plaintiffs”) have
17 failed to file a Response, and the deadline to do so has expired. Thus, pursuant to Local Rule
18 7-2(d), the Court finds that Plaintiffs have consented to the granting of the Motion. *See* D. Nev.
19 R. 7-2(d) (“The failure of an opposing party to file points and authorities in response to any
20 motion . . . constitutes a consent to the granting of the motion.”). Moreover, the Court finds
21 that expunction of the *lis pendens* is warranted because all of Plaintiffs’ claims have been
22 dismissed with prejudice. *See, e.g., Wensley v. First Nat. Bank of Nevada*, 874 F. Supp. 2d 957,
23 968 (D. Nev. 2012) (expunging a *lis pendens* after dismissing a complaint with prejudice).

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1 Accordingly,

2 **IT IS HEREBY ORDERED** that the Motion to Expunge the Lis Pendens, (ECF No.
3 37), is **GRANTED**.

4 **IT IS FURTHER ORDERED** that the notice of *lis pendens* filed and recorded by or on
5 behalf of Plaintiffs on the property located at 9264 Moose Country Place, Las Vegas, Nevada
6 89178 (APN 176-29-313-033) with the Clark County Recorder's Office as instrument number
7 201506150001774 is hereby cancelled and expunged.

8 **IT IS FURTHER ORDERED** that Defendant shall record a copy of this Order with the
9 Clark County Recorder's Office within seven (7) days of its issuance.

10 **IT IS FURTHER ORDERED** that pursuant to the Court's Order dismissing the
11 Complaint with prejudice, (ECF No. 32), the Clerk of Court is instructed to close the case.

12 **DATED** this ³ day of January, 2018.

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16 Gloria M. Navarro, Chief Judge
17 United States District Court
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